

REMARKS

Applicant wishes to thank the examiner for granting a telephone interview. The interview was held on August 14, 2007 with Examiner Alicia Chevalier, Jeffrey Olofson and Colene Blank present. The 3 references cited in the previous office action: US Patent Number 3,179,552 "Hauser"; US Patent Number 4,801,458 "Hidaka"; and US Patent Number 5,662,758 "Hamilton" were discussed along with possible claim amendments. No agreement was reached.

Claims 1, 3-8, 10-17, 19-22, 26-53 and 55-60 are pending. Claims 2, 9, 18, 23-25, 27, 54 and 61-67 are currently canceled. Claims 36 to 52 have been withdrawn from consideration. Claims 1, 22 and 53 are currently amended. Reconsideration of the application is requested.

§ 102 Rejections

Claims 1, 3, 4, 6-8, 11-13, 15, 17, 19-22, 26 and 27 stand rejected under 35 USC § 102(b) as being anticipated by Hauser et al. (US Patent No. 3,179,552).

Hauser does not teach an article comprising an adhesive layer with at least one structured surface and a backing wherein both surfaces of the backing are non-structured and wherein the article comprises discrete reservoirs between the structured surface of the adhesive layer and the backing.

Claims 1 and 22 have been amended to clarify that the backing is non-structured on both surfaces. Support for this amendment can be found, for example, in the figures, such as figures 5A, 5B, 5C, 9A, 9B and 9C.

The rejection of claims 1, 3, 4, 6-8, 11-13, 15, 17, 19-22, 26 and 27 under 35 USC § 102(b) as being anticipated by Hauser et al. (US Patent No. 3,179,552) has been overcome and should be withdrawn.

Claims 1, 3, 4-8, 11-17, 19-22 and 26-35 stand rejected under 35 USC § 102(b) as being anticipated by Hidaka et al. (US Patent No. 4,801,458).

Hidaka teaches an adhesive article with fibers and voids around the fibers within the adhesive layer. Referring to the figure, even if numbers 3 and 4 (the fibers and the void surrounding them) could be considered a structured surface, the backing (number 1) is not directly adjacent to the structured surface(s) of the adhesive and therefore does not form discrete reservoirs between the structured surface of the adhesive layer and backing.

Claims 1 and 22 have been amended to clarify that the backing is directly adjacent to the structured surface(s) of the adhesive layer. Support for this amendment can be found, for example, in the figures, such as figures 5A, 5B, 5C, 10A, 10B, 11A and 11B.

The rejection of claims 1, 3, 4, 6-8, 11-13, 15, 17, 19-22, 26 and 27 under 35 USC § 102(b) as being anticipated by Hidaka et al. (US Patent No. 4,801,458) has been overcome and should be withdrawn.

Claims 53 and 55 stand rejected under 35 USC § 102(b) as being anticipated by Hamilton et al. (US Patent No. 5,662,758).

Hamilton teaches "A flexible film has thermoformed protrusions between a grid of pressure sensitive adhesive." Even if the thermoformed flexible film could be considered a structured surface, there is no teaching in Hamilton of a substantially continuous cap layer directly adjacent to a structured surface of the first layer, wherein the cap layer comprises an adhesive. As shown for example in figure 3 of Hamilton, the adhesive 16 is spaced away from target surface 20 by outermost ends of 18 of protrusions 14. Again in figure 9 of Hamilton which shows the preparation of the flexible film having thermoformed protrusions, it shows that there is no substantially continuous cap layer directly adjacent to a structured surface of the first layer wherein the cap layer comprises an adhesive.

Claim 53 has been amended to clarify that the cap layer is substantially continuous and is directly adjacent to a structured surface of the first layer. Support for these amendments can be found, for example, in Figure 1A, and in the specification on page 10, lines 7-9 "Referring again to FIG. 1, the cap layer 100, which is preferably a substantially continuous layer, can be, for example, a structured or non-structured backing, a structured or non-structured adhesive layer, a membrane, or the like."

The rejection of claims 53 and 55 under 35 USC § 102(b) as being anticipated by Hamilton et al. (US Patent No. 5,662,758) has been overcome and should be withdrawn.

§ 103 Rejections

Claims 10 and 56-60 stand rejected under 35 USC § 103(a) as being unpatentable over Hidaka et al. (US Patent No. 4,801,458).

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

As stated above, Hidaka fails to teach an article with an adhesive layer that has a structured surface and a backing directly adjacent to the structured surface wherein the article comprises discrete reservoirs between the structured surface of the adhesive layer and the backing. The rejection supplies no reference to overcome this failure.

The rejection of claims 10 and 56-60 under 35 USC § 103(a) as being unpatentable over Hidaka et al. (US Patent No. 4,801,458) has been overcome and should be withdrawn.

In view of the above, it is submitted that the application is in condition for allowance. Examination and reconsideration of the application as amended is requested.

Respectfully submitted,

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Date

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